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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILD HORSE EDUCATION, a non-profit
corporation, and LAURA LEIGH,
individually,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
Management,

Defendants.

CASE NO. 2:22-cv-01200

**PROPOSED PRELIMINARY
INJUNCTION ORDER**

1. This matter came before the court on Plaintiffs' Complaint for Injunctive and Declaratory Relief, Motion for Temporary Restraining Order and Preliminary Injunction, with

1 supporting declarations on August ____, 2023, at ____: ____ .m. Based on the pleadings,
2 evidence, and oral argument, the court makes the following findings and issues the following
3 preliminary injunction.

- 4 1. For the purposes of this Order, this court has jurisdiction over the subject
5 matter of this action and over the parties. The subject matter of this action
6 involves alleged violations of the Wild Free-Roaming Horses and Burros Act,
7 and First Amendment to the U.S. Constitution, as alleged in Plaintiffs'
8 Motion.
- 9 2. Plaintiffs are likely to succeed on the merits of the claim that Defendants
10 have, and continue to, engage in acts that violate the humane handling
11 requirements of the Wild Free-Roaming Horses and Burros Act, and the First
12 Amendment to the U.S. Constitution during the gather and removal of wild
13 horse and burros at the Antelope Complex.
- 14 3. The balance of equities weighs in Plaintiffs favor, as well as the public interest
15 in humane handling of wild horses and burros during BLM gathers, as well as
16 access to document the same.
- 17 4. Plaintiffs have demonstrated a likelihood of immediate and irreparable harm if
18 Defendants are not restrained from the ongoing inhumane gather and removal
19 of wild horses and burros at the Antelope Complex in high heat, with the use
20 of helicopters during foaling season, and until Plaintiffs are afforded access to
21 observe and document the operations at the trap and temporary holding
22 corrals.
- 23 5. Weighing the equities and considering Plaintiffs' likelihood of success, the
24 issuance of this Preliminary Injunction Order is in the public interest.

25 2. This Preliminary Injunction Order is issued and effective on August ____,
26 2023, at ____: ____ .m.

3. IT IS THEREFORE ORDERED that Defendants, their agents, employees, and

1 assigns are enjoined and restrained from conducting any activities related to the gather and
2 removal of wild horses and burros from the Antelope Complex until they do so humanely, in
3 accordance with the Wild Free-Roaming Horses and Burros Act, including by refraining from
4 resuming gather activities using helicopters until the BLM confirms that additional gather
5 activity is warranted (providing an equivalent of a Decision of NEPA adequacy); by ensuring
6 that the BLM cancels gather activities of any sort when the heat index indicates activities would
7 be conducted during heat index caution, extreme caution and dangerous levels; by immediately
8 humanely euthanizing animals who are suffering from catastrophic, life threatening injuries;
9 ensuring the helicopter is not operated in such a way as to cause foals to lag behind and be lost
10 on the range; by ensuring wild horses are safely enclosed in traps such that they cannot escape
11 and cause themselves further injury; and that traps are set in safe locations without barbed wire
12 fencing. In addition, this preliminary injunction shall remain in effect to require that the BLM
13 provide Plaintiffs with unobstructed access to exercise their First Amendment rights to observe
14 and document the gather and removal operations, and the conditions and treatment of gathered
15 horses and burros, including at any locations of the area designated as trap or holding by the
16 BLM as the "North Trap" in the Antelope Complex of Herd Management Areas.

17 Date: _____

Hon. Larry R. Hicks
United States District Judge